

## CHAPTER 7

## ANNUITY TERMINATIONS AND REINSTATEMENTS

## SECTION A—TERMINATIONS

**80701. Time of Termination**

Entitlement to the RSFPP annuity terminates as of the end of the month before that in which eligibility ceases.

**80702. Reasons for Termination**

Terminate RSFPP annuity upon:

**a. Death of Widow or Widower.**

Terminate annuity the last day of the month before the month in which widow or widower dies. If children are involved, see section B.

**b. Remarriage of Widow or Widower Before Age 60.** Terminate payments the last day of the month before the month in which widow or widower, younger than age 60, remarries. If children are involved, see paragraph 80712.

**c. Loss of Eligibility by Child Annuitant Because of:**

(1) Youngest child reaching age 18 and not incapable of self-support (applicable to children of members retiring before 1 Nov 1968).

(2) Youngest child reaching age 18 and not pursuing a full-time course of study nor incapable of self-support (applicable to children of members retiring on or after 1 Nov 1968).

(3) Youngest child who is pursuing full-time course of study reaches age 23 and is not incapable of self-support (applicable to children of members retiring on or after 1 Nov 1968).

(4) Marriage or death of child annuitant.

(5) Recovery of an incapacitated child over age 18. Annuity may be suspended if annuitant becomes independently capable of earning amounts sufficient for his or her own particular personal needs through substantial and sustainable gainful employment. Annuitant will receive advance written notice from Service prior to suspension. Annuitant will be given an opportunity to submit rebutting evidence. Annuity may be reinstated (see paragraph 80712b).

(6) Termination of student status of a child over age 18, under age 23 (applicable only to retirees who retired on or after 1 Nov 1968).

(7) Reinstatement to widow or widower of annuity previously terminated.

**d. Secretarial Determination.** A participating member previously presumed to be dead is now determined to be alive.

**80703. Due and Unpaid Annuity**

If, on death of the annuitant, an amount remains due the annuitant, unpaid because the annuity checks were not negotiated or because payments had not been established, the account is settled in accordance with part 7, chapter 2. There is no designated beneficiary for settlement of arrears of an annuity.

## SECTION B—REINSTATEMENTS

**80711. Remarriage Terminated by Death of Spouse and/or Remarriage of Widow or Widower Before Age 60 Terminated by Divorce**

The annuity is not reinstated.

**80712. Reinstatement of Annuities on Behalf of Children**

a. If annuity was terminated because of the death or remarriage of the widow or widower before age 60 and the member's election included coverage for children also, reestablish the full annuity in equal shares in favor of the eligible children (see chapter 5) effective the first day of the month in which the death or remarriage of the widow or widower occurred.

b. An annuity to an incapacitated child over 18 years of age may be reinstated upon the recurrence of the original disability rendering the annuitant incapable of self-support, or if the annuitant furnishes evidence that, although engaged in substantial and sustainable gainful employment, wages are not sufficient to cover his or her particular needs.

**80713. Termination of Remarriage by Annulment****a. Annulment of a "Void" Marriage.**

(1) The annuity may not be reinstated for any period earlier than the date of separation after the discovery that the marriage was void.

(2) The annuity may not be reinstated for any period for which annuity payments were made on behalf of children under option 3 (when

notice is received that the widow or widower's remarriage was void, payment to the children under option 3 is suspended pending resolution of the issues involved).

(3) In the absence of a judicial decree terminating the marriage as void, the case must be sent to the Comptroller General for decision.

**b. Annulment of a "Voidable" Marriage.**  
The annuity may not be reinstated when a voidable marriage is annulled.

**80714. Reinstatement of Annuities Terminated Before 1 Oct 1978 Because of Remarriage of Widow or Widower After Age 60**

If the annuity was terminated because of remarriage and the widow or widower was 60 years of age or older, the annuity may be reinstated not earlier than 1 Oct 1978. The annuity will be increased by cost-of-living adjustments, if appropriate, in accordance with paragraph 80508b.